G. R. S. IX-5]

Previous references.

File No. 37-16

Serial Nos. 1-3

1916. 17
(Courts)

Later references.

Preserve for 1919

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-3

Part B for Oct 16

SUBJECT.

Incorrect translation of section 17 of the new Code of Civil Procedure

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3) To The Compiler, Mysore Gazette
for 1189 of 21.9.16.
Notifies the above
corrected

W D 88—GPB—50,000—24-7-16

Mahomed 1/11/16

G. R. S. 11] 1916.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 37-16

FILE HEADING.

Incorrect translation of sec 17 of the new Code of Civil Procedure

From

The Registrar - Chief Court

No. S.C no 163 Dated 14-7-1916 Received 25-7-16

Diary No. 187	Enclos. 3 Spare Copies. —	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that sec 17 of the new Code of Civil Procedure is wrongly translated and that a pleader therefore committed a blunder and that the necessary alteration may be effected if the Govt Translator agrees.

NOTES AND ORDERS.

The suggestions for improvement are

1. "ಅಂತರ ಕ್ಷೇತ್ರ ನ್ಯಾಯಾಲಯ" in the margin of the section be omitted

2. That the words "in any Court" may be rendered into "ಆ.ಂ ನ್ಯಾಯಾಲಯ ಅ ನೇಲಾ ಹಾಕಿಕೊಳ್ಳ"

NOTES—First Sheet.

ಸ್ಟ್ಯಾಂಪ್ [187]

G. R. S. 12]

General and Revenue Secretariat. | Ch File No. 37 of 191 6. 17.

Serial No.

as in the translation of the old Code instead of into "ಅಧಿಕಾರಿಗಳು".

3. That instead of "ಪರವಶದಿಂದ ಹೊರಟ್ಟಿರು" ~~for the~~ ಪರವಶದಿಂದ ಪಲಾಯನಮಾಡಿದ್ದರೆ" may be used.

and 4. That the word "ಮೇಲ್ಪಟ್ಟ" be used between 'ಸಕಲ' and 'ಪ್ರಾಣಿಗಳ' to make the meaning clear.

2) A copy of the translation of the new Code published by Govt. is put up. It will be seen that the word mentioned in (1) is not used, that ಹೊಣೆಯಾಗಿರು is used in conjunction with "ಹೊಣೆಗಾರಿಕೆಯನ್ನು" instead ಪರವಶದಿಂದ ಪಲಾಯನ as suggested in (3) — the latter word is not to be found at all — and that there is nothing in the English Code to justify the introduction of the word "ಮೇಲ್ಪಟ್ಟ". It is a matter for consideration if ~~the~~ Suggestion (2) is necessary for avoiding misconstruction of the Section. The Kannada rendering furnished by the Munsiff does not correspond to the authorised version in ~~the~~ other respects (ಪ್ರಾಣಿಗಳಿಗೆ ಹೊರತು ಕ್ರೂರ ಕೃತ್ಯ is not in the Govt publication, ಅಥವಾ ಕೈಯ್ಯಿಂದ ಕೈಯ್ಯಲ್ಲಿ in this is not given by the Munsiff) & perhaps he got it from some private publication. Subs for orders. This may if necessary be sent to the Translation Section for remarks.

26-8-16)

3) The Official Translation gan Act has no

Enclosed 1 Copy 12

English Copy of the new & old Codes put up. Kannada Copy of the Old Code & the Gazette Containing it is not available

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | A File No. 37 of 1918.

Serial No.

Legislative free of Sanction.

For remarks.

4)

Es 29/5

Translation Section

5) There is no room for ambiguity in the translation of the Code. To make the meaning clear the Munsiff wants to use some additional words in the translation which are not found in the original. For "ಮೃತನ ಹೆಂಡತಿಯು ಮತ್ತು ಮಕ್ಕಳು" he wants to use "ಮೃತನ ಮಕ್ಕಳು ಮತ್ತು ಹೆಂಡತಿಯು" both these versions mean the same thing again for "ಮೊಕದ್ದಮೆಯನ್ನು" he wants to use "ಮೊ॥ ಮತ್ತು ಮೊಕದ್ದಮೆಯನ್ನು". By using the latter expression, the translation of the word any will be used again. But reading the two expressions* "ಮೃತನ ಹೆಂಡತಿಯು ಮತ್ತು ಮಕ್ಕಳು ಮೊಕದ್ದಮೆಯನ್ನು ಮತ್ತು ಮೃತನ ಮಕ್ಕಳು ಮತ್ತು ಹೆಂಡತಿಯು ಮೊಕದ್ದಮೆಯನ್ನು" & "ಮೊ॥ ಮತ್ತು ಮೊಕದ್ದಮೆಯನ್ನು". together the meaning is quite clear. It does not give room to the meaning that the suit shd be brought in each Court for each portion as alleged by the Munsiff.

6) In the translation of the marked* Code the expression "ಮೊ॥ ಮತ್ತು ಮೊಕದ್ದಮೆಯನ್ನು" is used. There appears to be no necessity for altering

put up for reference. Slog 22

NOTE—Contn. sheet.

GPB—70,000—17-12-15

J187

G. R. S. 12]

General and Revenue Secretariat. | File No. 37 of 1916.

(4

Serial No.	
	the official translation. The Munsiff does not appear to have read the official translation as noted above.
	Dr. 30/8.
1)	Submitted for orders. The Registrar may perhaps be informed that the Kannada version of the new Code on which the Munsiff of Hole Narsipur has based his criticisms is materially different from that contained in the publication issued by Govt, and that as an official translation of an enactment has no legislative force or sanction, Govt consider that no action is necessary as suggested.
	8) Put up draft amendments and Submit.
	9) Draft accordingly put up
	(a) The words "ಅಂತ ಪಿರ್ಯಾದಿ ಮಾಡಿದ್ದಲ್ಲಿ" alleged to be in the Govt publication are not really to be found in it. The words "ಅಂತ ಪಿರ್ಯಾದಿ ಮಾಡಿದ್ದಲ್ಲಿ" singled out of the context by the Munsiff must be read with the preceding words and give no room for any doubt as to the meaning of the clause.

NOTE—Contn. sheet.

GPB—63,000—15-9-14

G. R. S. 12]

General and Revenue Secretariat. | File No. 37 of 1916.

Serial No.

The word "ಅ" refers to the previous antecedent and conveys a clear meaning. The word ಪದ suggested by the Municipality as necessary for clearness has no corresponding expression in the English version. The word ಮತ್ತು also does not find a place in the translation. Neither seems necessary. Draft. Submitted for approval.

Sd
7/9/16

2169
7.9.16

Second member)

11) I think the suggestion regarding the rendering of "in any Court" as "ಯಾವ ಕೋರ್ಟಿನಲ್ಲಿಯಾದರೂ ಆಗಲಿ" may be adopted as certainly being more literal as making the meaning clearer.

12) The last sentence regarding the value to be attached to a translation is not quite called for & should be omitted. It is a truism if merely meant as an answer to a legal contention; but it is no explanation at all if offered as a justification for mistakes (if any) committed in the publication.

13) The draft as revised by me may be returned.

Sd
11/9

14) Done.

G. R. S. 12]

J 127

(6)

General and Revenue Secretariat. | C4 File No. 37 of 1916.

Serial No.	
2	To the Registrar Ch. Cl. vide J 1103 States that excepting the translation of in any point no other alterations are called for & that an erratum will be published. This may be sent to the Translation Section for issuing an erratum. ~~subject~~ An erratum hofn. is submd for approval.
3	To the compiler Imperial Gazette vide J 1189 21-9-16 Requests that an erratum may be published

16) J

B 24/9

17) A 24/9/16

Approved
28/9.

18) Approved
EB
28/9

S. C. no 163 fm 3

11/11/1775

Chief Court of Mysore ,

Bangalore, dated 14th July 1916.

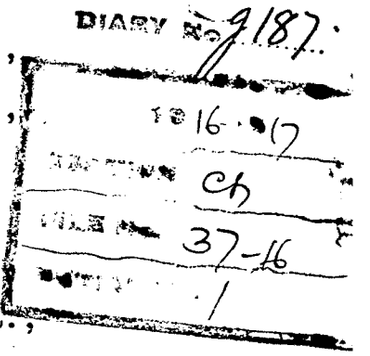
21st

From

N. T. Gopaliengar, Esq., B. A., LL. B.,

Registrar, Chief Court of Mysore ,

B a n g a l o r e .



ws
25/7

To

D. M. Narasinga Rao, Esq., B. A., B. L.,

Secretary to the Government of Mysore ,

General Department , B a n g a l o r e .

S i r ,

The Munsiff of Hole-Narasipur has in his correspondence ending with letter No.507 dated the 18th May 1916, reported that section 17 of the Civil Procedure Code has been wrongly translated in the Kanarese Edition of the Code and that consequently the pleader for the Plaintiff in O. S. No.356 of 1914-15 on the file of his Court was led to commit a blunder.

I am directed to forward herewith a copy of the above letter and to suggest that if the Government Translator agrees with the alteration proposed by the Munsiff, it may be effected.

I have the honor to be ,

S i r ,

Your most obedient servant ,

N. T. Gopaliengar

REGISTRAR.

M. S. L.

BR

~~Copy of~~ Letter No.507/ dated 18th May 1916. from the Munsiff of Holenarsipur to the District Judge of Mysore.

With reference to your No.3277/162 dated 6-4-1916, I have the honor to enclose a copy of canarese translation of section 17 of new Civil Procedure Code as well as that of parallel section of the old Code for ready reference and to submit as follows:-

In the first place, the marginal note of section 17 of the new code is not correct. The words " ಒಂಭತ್ತಿಗೆ ಕೆಳಗೆ" ought to be omitted as there are no corresponding English words in the marginal note of the English copy of the said section.

Secondly, the words " in the court" and "in any court" appearing in the old code are translated as "ಆಸ್ಥಾನದಲ್ಲಿ" and "ಎಂದಾದರೂ ಯಾವ ಮಟ್ಟಿಗೆ ಆದಿನಲ್ಲಿ ". respectively. But in the new code, the words "in any court" are translated as " ಸ್ವಸ್ಥಾನದಲ್ಲಿ" These words are underlined in red ink in the accompanying copy. Taking advantage of the above difference, the plaintiff's pleader in O.S. No.356/1914-15 on the file of this court argued that the words " ಸ್ವಸ್ಥಾನದಲ್ಲಿ" appearing in the Kanada rendering of the section 17 of new code lead him to a bona-fide mistake that he has to bring separate suits in respective courts for so much of the property only as is situate within the jurisdiction of those courts. In support of his contention he suggested that the words " in any court" in the new Code might be substituted by the words "in the court" and then the section might be read. The said substitution gives somewhat an ambiguous meaning. He therefore thought that the words " ಸ್ವಸ್ಥಾನದಲ್ಲಿ" were equivalant to the words " in the court" but not to the words " in any court". Since the words " in any court" were translated as " ಎಂದಾದರೂ ಯಾವ ಮಟ್ಟಿಗೆ ಆದಿನಲ್ಲಿ" in the former code, it is not clear why the same words "("in any court") were translated

in

in the new Code as " ಕೋರ್ಟಿನಲ್ಲಿ " which was the equivalant of " in the court" in the former code.

Thirdly, in the Kanada rendering of the section in the new code, instead of the words " ಪರಿಹಾರವನ್ನು ", it would have been better if the words "ಪರಿಹಾರವನ್ನು ಪಡೆಯಲು" had been used. Because, " ಪಡೆಯಲು " is the equivalant of "to obtain". The words "relief" and "compensation" are both in the objective case governed by the infinitive "to obtain" The omission of " ಪಡೆಯಲು "after" ಪರಿಹಾರವನ್ನು " and using " ಕೊಡಿಸಿದ " in its place lead to an ambiguity whether or not the word " ಮೇಲ್ಕಂಡ " refers to both " ಪರಿಹಾರ " and " ಪರಿಹಾರವನ್ನು "

Since we have rare opportunities to familiarise ourselves with the Kanada version of our laws and regulations, the translations when brought to our notice for the first time , will tax our energies to follow the force of every word so easily as in grasping the English originals. Hence " ಸದರ ಮೇಲ್ಕಂಡ " in the Kanarese version would not suggest at once that it refers to the whole immoveable property. If the words "ಸದರ ಸ್ಥಿರಾಸ್ತಿಯ ಮೇಲ್ಕಂಡ" had been used, there would have been no difficulty in understanding the correct meaning of the Kanarese section even by cursory reading.

Considering all the above points, it was thought necessary to bring the translation to the notice of my superiors for needful modification. In my humble opinion it seems to me that it is better to modify the translation as follows to avoid any room for ambiguity.

" ಮೇಲೆ ಹೇಳಿದ ಕೋರ್ಟಿನಲ್ಲಿ ಅನ್ಯಾಯದ ಮೂಲಕ ಇದ್ದ ವ ಸ್ಥಿರಾಸ್ತಿಯನ್ನು ಕುರಿತು ಪರಿಹಾರ ಪಡೆಯಲು ಅಪೇಕ್ಷಿಸಿದ ಪಡೆಯಲು ಅಪೇಕ್ಷಿಸಿದವನಿಗೆ ಪರಿಹಾರವನ್ನು ಪಡೆಯಲು ಅಪೇಕ್ಷಿಸಿದವನಿಗೆ ಮೇಲ್ಕಂಡ ಸ್ಥಿರಾಸ್ತಿಯ ಸಂಬಂಧದಲ್ಲಿ ಅಂಥಾ ನಂಗಡಿಯಲ್ಲಿ ಅಥವಾ

సోత్తిన యం వ భూగవాదరుం యూవ వీంల్లలగ్నతాధి
కారవరరుద్ధి సోంళగే ఇరుత్తదో యీంల్లలాంథా యూంవ
రీంల్లలగ్నల్లం గిల్లి శదరిల్లీరా సోత్తిన వ్వాజ్ఞావన్న
దాఖల్లడ ఒరుదు."

(Sd.) H. H. Veerabasaviah.

Munsiff.

"Copy"
N. Gopalmiah
Registrar.
BR

Section 19 of Old Civil Procedure Code.

If the suit be to obtain relief respecting, or compensation for wrong to, immovable property situate in a single District, but within jurisdiction of different Courts

ఇంకొక జిల్లాలో గాని పరగణాలలోగాని ఉన్న స్థిరాస్తి విషయమైన దావాలు ఒక జిల్లాలో ఉన్న అధికారం పరగణాలలో ఉన్న రెండు కోర్టులలో ఇటువంటి స్థిరాస్తి విషయమైన దావాలు వినే అధికారం ఉన్నట్లయితే

Suits for immovable property situate [within the limits of a Single District, but] within the jurisdiction of different Courts, the suit may be instituted in the Court within whose jurisdiction a portion of the property is situate: provided that, in respect of the value of the subject matter of the suit, the entire claim be cognizable by such Court.

ఆ స్థిరాస్తి అదవాని దగ్గర స్థిరాస్తి గల జిల్లా కోర్టులో గాని పరగణా కోర్టులో గాని ఆ దావా వినవచ్చును. అయితే ఆ దావాలో ఉన్న విషయం విలువ విషయంలో ఆ కోర్టుకు అధికారం ఉండాలి.

[If the immovable property be situate within the limits of different districts, the suit may be instituted in any Court, otherwise competent to try it, within whose jurisdiction any portion of the property is situate.]

ఇంకొక జిల్లాలో గాని పరగణాలలోగాని ఉన్న స్థిరాస్తి విషయమైన దావాలు ఒక జిల్లాలో ఉన్న అధికారం పరగణాలలో ఉన్న రెండు కోర్టులలో ఇటువంటి స్థిరాస్తి విషయమైన దావాలు వినే అధికారం ఉన్నట్లయితే ఆ స్థిరాస్తి అదవాని దగ్గర స్థిరాస్తి గల జిల్లా కోర్టులో గాని పరగణా కోర్టులో గాని ఆ దావా వినవచ్చును. అయితే ఆ దావాలో ఉన్న విషయం విలువ విషయంలో ఆ కోర్టుకు అధికారం ఉండాలి.

Section 17 of New Civil Procedure Code.

Where a suit is to obtain relief respecting, or compensation for wrong to, immovable property situate within the jurisdiction of different Courts, the suit may be instituted in any Court, within the local limits of whose jurisdiction any portion of the property is situate.

చిలకి చిలకి కోర్టు అమలుగల్గు అధికార పరిధిలో ఇరువురి కక్షిదారులలో ఒకరు ఇచ్చిన ఆస్తిని గురించి లేదా ఆస్తికి కలిగిన నష్టమునకు పరిహారమును గురించి వ్యాజ్యము తెచ్చుటకు ఆస్తి ఒకటి కంటే ఎక్కువ కోర్టుల అధికార పరిధిలో ఉన్నట్లయితే ఆస్తిలో ఏ భాగము ఏ అధికార పరిధిలో ఉన్నదో ఆ అధికార పరిధిలో ఉన్న ఏ కోర్టులోనైనా వ్యాజ్యము వేయవచ్చును.

Provided that, in respect of the value of the subject matter of the suit, the entire claim is cognizable by such Court.

పరంతు వ్యాజ్యపు విషయాంశపు విలువ విషయమై ఆ కోర్టుకు అధికారము ఉన్నట్లయితే ఆ కోర్టులోనే వ్యాజ్యము వేయవలెను.

11.19

G. R. S. 26]

C/5 File No. 37-16

Serial No. 2

Diary No. of letter replied to .....

No. J 1103. Secl. One

General and Revenue Secretariat

( )

, *the* 191 .

To

The Registrar, Chief Court.

Sir

Date of issue 15. 9. 1916.

Signed by W. J. Sullivan Jr

With reference to your letter No S.C. 163 of 14/21 July 1916 suggesting some alterations in the Kannada translation of Sec 17 of the Code of Civil Procedure, 1911, I am directed to state that the Kannada version of the said Section on which the Munsiff of Hole Narsipur has based apparently [illegible] his criticisms is materially different from that contained in the publication issued by Govt, and that as a

over.

Which a copy is enclosed for information. It will be seen from the letter that the [illegible] of the Section as now published, which is by the way identical with the same as that issued by the British Govt. and gives the meaning ~~desired~~ Section correctly ~~without any room for ambiguity~~. In order, however, to remove all doubt ~~in this matter~~ the word "in any Court" may be translated as [illegible]

An erratum to this effect will be issued shortly. No other alterations seem called for.

SUBJECT.

translation, whether official or
otherwise, has no legislative force
or sanction. Govt consider that
no action is necessary as suggested
in the letter under reference.

I have &c

for Secy to Govt—

7/9/16

List of enclosures

Copied by

Examined by

GPB—20,000—10-10-14

draft

ಇಸ್ತಿಹಾರ್ನಾಮೆಯ ನಂಬರ್ J 1189/Ct. 37-16-3.

ತಾರೀಖು 21 ನವೆಂಬರ್ 1916

ಶುದ್ಧ ಶುದ್ಧಪತ್ರಿಕೆ.

ಸಂಸ್ಥಾನದ ಪ್ರಯುಕ್ತರಲ್ಲಿ [redacted] ನೆ

ಇವನು 3 ನೆಯ ರಿಸ್ಟಲಟಿಕ್ಷನ್ ಆದ ತನ್ನ ಬಿಡಿ

ಪ್ರೊಸೀಜರ್ಸ್‌ನಲ್ಲಿ ಒಂದನೆಯ 17 ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ

ಕನ್ನಡದಲ್ಲಿ ಇರುವ "ಅಪೀಲುಗಳಲ್ಲಿ"

ಎಂಬ ಸೂಕ್ಷ್ಮವನ್ನು ತಿದಿಬದಲಾಗಿ "ಅಂಥ ಮೂಲಕೋರ್ಟಿನ

ಕೇಸುಗಳಲ್ಲಿ" ಎಂಬ ಸೂಕ್ಷ್ಮವನ್ನಾಗಿ ಲಿಪಿಯಲ್ಲಿ ತಿದಿ ತಿಳಿಸಿ

ಕಳುಹಿಸಿ.

PRESS COPY.

Translator to Govt.,
General and Revenue Secretariat.

ಹುಕ್ಕುಂ ಬವೋಜೀಬ್,

.....

ಮೈಸೂರು ಸರ್ಕಾರದ ಜನರಲ್ ಇಲಾಖೆಯ ಸೆಕ್ರೆಟರಿ.

WD 2448—GPB—2,000—24-4-16

To

The Compiler, *Mysore Gazette*, for publication in the Kannada Gazette.